

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

WILLIE LEE BARKSDALE, #17405-083
Plaintiff

v.

DEPUTY THOMAS, et al.,
Defendants

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CIVIL ACTION NO. CCB-05-2055

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MEMORANDUM

The court is in receipt of plaintiff's complaint filed pursuant to 42 U.S.C. § 1983, wherein he states that on April 12, 2005, while incarcerated at the Alexandria Detention Center in Alexandria, Virginia, he gave his property to Deputy Thomas and filled out paperwork for the property to be sent to his home. Plaintiff states that the property contained 712 patents, two songs, and one movie. He further states that between April 16 and April 22, 2005, his "package was air and was being sol[d] on TV...." Paper No. 1. Plaintiff has filed a request to proceed in forma pauperis, which shall be granted.

Upon review of his complaint, the court concludes that it shall be dismissed under the provisions of 28 U.S.C. § 1915(e). *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also Denton v. Hernandez*, 504 U.S. 25, 32 (1992); *Cochran v. Morris*, 73 F.3d 1310, 1315 (4th Cir. 1996); *Nasim v. Warden*, 64 F.3d 951, 955 (4th Cir. 1995).

In the case of lost or stolen property, sufficient due process is afforded to a prisoner if he has access to an adequate post-deprivation remedy. *Parratt v. Taylor*, 451 U. S. 527, 542-44 (1981), *overruled on other grounds by Daniels v. Williams*, 474 U. S. 327 (1986). Virginia's Tort Claims Act and Inmate Grievance Office provide such a remedy. *Wadhams v. Proconier*, 772 F.2d 75, 78 (4th Cir. 1985).

Plaintiff is hereby notified that he may be barred from filing future suits in forma pauperis if he continues to file federal civil rights actions that are subject to dismissal for failure to state a claim on which relief may be granted under §1915(e) or under F.R.Civ.P. 12(b)(6).

A separate Order follows.

August 8, 2005

Date

/s/

Catherine C. Blake
United States District Judge

